

1 Hon. Richard A. Jones
2 Hon. J Richard Creatura
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 El PAPEL LLC, *et al.*,

10 Plaintiffs,

No. 2:20-cv-01323-RAJ-JRC

11 vs.

12 JAY R INSLEE, *et al.*,

Defendants.

13
14 DECLARATION OF
15 MARK ELLERBROOK

I, Mark Ellerbrook, do hereby declare:

1. I am employed by the King County Department of Community and Human Services in
15 the position of Director of the King County Housing, Homelessness and Community
16 Development Division. I make this declaration based on personal knowledge.

2. Using State of Washington, King County, and other funds, King County has created a
18 \$41 million Eviction Prevention and Rent Assistance Program to respond to the COVID-19
19 pandemic. The program makes payments to landlords whose tenants are behind in rent.

21 3. For payments to be made under this program, tenants must meet certain eligibility
22 requirements, including income at or below 50% of the Area Median Income over the past 60
23 days, at least one month of rent not paid or partially unpaid since March 1, 2020, and certain

1 other criteria. Payments are made directly to eligible landlords, who must agree to accept up
 2 to three months of rental assistance on behalf of the participating tenant at the lesser of either
 3 80% of the otherwise applicable total rent for three months, or fair market rent for the three
 4 months. The landlord must also agree to certain other requirements: forgiving any rental debt
 5 owed by the tenant for more than three months (if rental debt is less than three months,
 6 assistance may be paid for past due and current rent up to three months); not terminating or
 7 refusing to renew the tenant's tenancy absent good cause until March 31, 2021; and, in most
 8 cases, not raising the tenant's rent until March 31, 2021.

9 4. Participation in the program may be requested by either a tenant or a landlord. If a
 10 tenant requests participation, the tenant is entered into a lottery and, if selected, the tenant's
 11 application will be screened for eligibility and the landlord's eligibility and willingness to
 12 participate in the program will be ascertained. If both parties are eligible and the landlord
 13 agrees to participate under the conditions explained above, payment is made to the landlord.

14 5. The lottery began in September of 2020 and will continue until funds run out. So far,
 15 almost 5,000 tenants have entered the lottery and hundreds are being selected each week.

16 6. If a landlord requests participation, the landlord must accept payments for all eligible
 17 tenants for the property submitted to the program.

18 7. For "large landlords" (those who have 10 or more tenants behind in rent), the County
 19 prioritizes portfolios with 200 or more tenants behind and those with the highest delinquency
 20 rates, and considers other criteria, in making the funding determination. For large landlords
 21 who are not providing publicly-subsidized affordable housing, the property must be located in
 22 certain "high-need" zip codes based on unemployment claims, COVID-19 deaths, or COVID-
 23 19 incidence.

8. A "small landlord" (one with 9 or fewer tenants behind in rent) who requests participation in the program is entered into a lottery and, if selected, the tenants are contacted and screened for eligibility. There is no zip code limitation for small landlords.

9. King County estimates that the currently available funding for the program will serve around 10,000 households. Unfortunately, this is likely less than the total number of tenants needing assistance. Most of the current funding will be exhausted this year.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Executed this 9 day of October, 2020, at Seattle, Washington.


MARK ELLERBROOK